

NATIONAL SECURITY PROJECT



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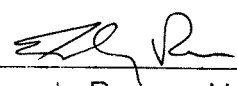
October 7, 2014

BY FACSIMILE

A pre-motion conference will be held on Tuesday, October 21, 2014 at 11:00 a.m. Plaintiffs, Defendants, and Intervenor the United States of America are directed to appear at the conference, and are respectively directed to respond by letter, not longer than three pages, by Friday, October 17, 2014.

Monorable Edgardo Ramos  
United States District Court  
for the Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

The application is ☒ granted.  
☐ denied.

  
Edgardo Ramos, U.S.D.J.

Dated: 10/10/14

New York, New York 10007

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EXECUTIVE DIRECTOR

RICHARD ZACKS  
TREASURER

Re: *Restis v. Am. Coal. Against Nuclear Iran*, No. 13-cv-5032(ER)(KNF)

Dear Judge Ramos:

I write on behalf of proposed *amici* the American Civil Liberties Union Foundation, the Brennan Center for Justice, the Center for Constitutional Rights, the Constitution Project, the Electronic Frontier Foundation, and the Sunlight Foundation. Proposed *amici* are civil rights and civil liberties organizations with a direct interest in and experience with determinations concerning the proper application of the state secrets privilege. They request a pre-motion conference to discuss their motion for leave to file an *amicus curiae* brief in support of Plaintiff once the Court sets a briefing schedule for Plaintiff's motion during the scheduled October 8 conference.

Specifically, the proposed brief will address the scope and nature of the state secrets privilege, the procedures that must accompany any proper assertion of the privilege, and the public interest at stake when the Government seeks to invoke the privilege. Proposed *amici* have decades of experience in litigating landmark cases involving the assertion of the state secrets privilege, including *Mohamed v. Jeppesen Dataplan, Inc.*, 614 F.3d 1070, 1073 (9th Cir. 2010) (en banc); *Arar v. Ashcroft*, 585 F.3d 559 (2d Cir. 2009) (en banc); *ACLU v. NSA*, 493 F.3d 644 (6th Cir. 2007); *El-Masri v. United States*, 479 F.3d 296, 299 (4th Cir. 2007); *ACLU v. Brown*, 619 F.2d 1170, 1173 (7th Cir. 1980) (en banc); *Jewel v. NSA*, 965 F. Supp. 2d 1090

MEMO ENDORSED

(N.D. Cal. 2013); and *Hepting v. AT&T Corp.*, 439 F. Supp. 2d 974 (N.D. Cal. 2006).

Respectfully submitted,



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